



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON, D.C. 20370-5100

TRG

Docket No: 3680-00

20 November 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 15 November 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you reenlisted in the Marine Corps on 20 January 1993. The record shows that you received nonjudicial punishment for sleeping on watch and were counseled three occasions concerning unprofessional behavior, lack of integrity, poor attitude and disobedience. In addition, you received an adverse fitness report. On 10 December 1997 you acknowledged that you were not eligible or recommended for reenlistment because of service limitations and that you would be assigned an RE-4 reenlistment code. You were honorably discharged with an RE-4 reenlistment code on 19 December 1997. At that time you had completed over 13 years of active service.

In your application you contend, in effect, that you have been treated more severely than others with records of more serious misconduct. You are requesting a change in the reenlistment code so that you can reenter the military.

The Board noted that the decision to allow reenlistment is within the discretion of the commanding officer. Given your record of misconduct, counseling entries and an adverse fitness report, the Board could not conclude that there was an abuse of discretion in

your case.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director